

VPRA Decision Brief

Policy allowing electronic participation in Board meetings

Issue: The Board would like the ability to conduct meetings using electronic communications means. Under FOIA, the Board must adopt a policy allowing participation if an individual wishes to electronically participate in a meeting which was not meant to be electronic.

Facts: Under the Virginia Freedom of Information Act, a quorum must be physically assembled for any meeting occurring when a state of emergency does not exist. If a quorum is physically assembled in a primary or central location, additional members may electronically participate in meetings under one of two scenarios: 1) where the meeting has been planned and publicly noticed as being electronic; or 2) where the meeting has not been planned as electronic, but an individual member is unable to physically attend.

When an individual member is unable to attend a physical meeting, FOIA allows the member to request permission to participate electronically if the Board has a policy in place and the member meets the requirements of the policy. [Note that FOIA has a separate provision allowing for meetings to be planned and noticed as being electronic, allowing members beyond the quorum to electronically participate without the need for permission.]

The policy proposed for the Board allows for an individual member to be granted permission automatically to participate electronically in a Board or committee meeting, unless another member of the Board or committee challenges the request. If there is a challenge, a vote will be taken as to whether to allow the electronic participation. Electronic participation would allow the member to fully participate (and vote); without permission, a member could still listen to the meeting but would not be able to be counted as present, to make motions, or to vote.

Recommendation: It is recommended that the Board adopt the proposed policy.

Action Required by VPRA: Vote on whether to adopt the policy

Options: Approve, deny, or defer the action, or make amendments to the policy prior to taking action.